



PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number:
041993-5363

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on _____

Signature _____

Typed or printed
Name _____

Application Number:
10/571,477

Filed:
January 6, 2004

First Named Inventor:
Dong Jae YOU

Art Unit:
2871

Examiner:
W.P. Chen

Applicant(s) request(s) review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages are provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

☒

attorney or agent of record.

Registration number **41,480**

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Kyle J. Choi

Typed or printed name

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Telephone number

June 13, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of **1** form is submitted.



Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2800

PATENT
Attorney Docket No. 041993-5363

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dong Jae YOU)	Confirmation No. 3545
Application No.: 10/751,477)	Group Art Unit: 2871
Filed: January 6, 2004)	Examiner: W. P. Chen
For: BACKLIGHT UNIT AND LIQUID CRYSTAL)	
DISPLAY DEVICE USING THE SAME)	Mail Stop AF

U.S. Patent and Trademark Office
Customer Window, Mail Stop **AF**
Alexandria, VA 22314

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

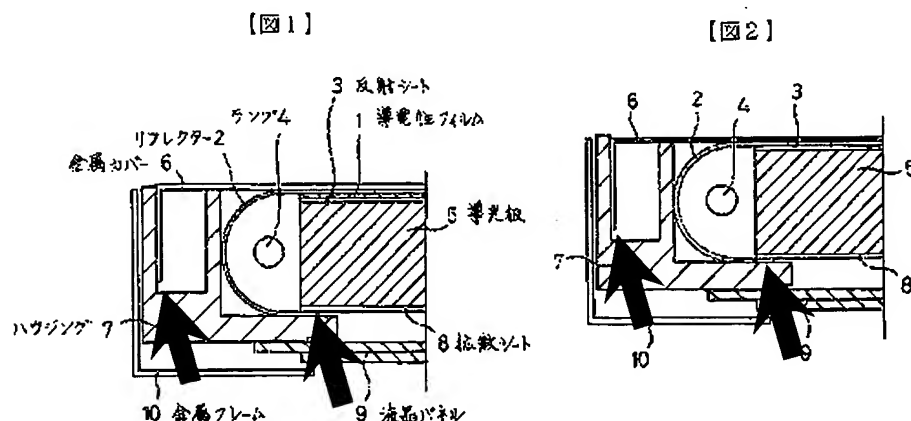
In response to the final Office Action of January 18, 2006 and Advisory Action of May 9, 2006, Applicant respectfully requests for a pre-appeal brief review of the pending rejections. A Notice of Appeal with a 2-month extension of time is filed concurrently herewith.

All the pending claims, i.e., claims 1-20 have been finally rejected based on various combinations of five different references: Furuwari et al., Shiotani et al., Nakano, Matsuda et al., and Lee et al. In particular, independent claims 1, 11, and 18 were finally rejected under §102(b) as allegedly being anticipated by Furuwari et al. and Furuwari et al. served as the primary reference for rejecting all the dependent claims. Accordingly, for purposes of brevity, only the rejection of independent claims 1, 11, and 18 will be discussed in detail below. However, Applicant maintains that all the rejections in the Final Office Action are in error, and omission of discussing some of the final rejections in the present Pre-Appeal Brief Request for Review should not be taken as an admission to the propriety thereof.

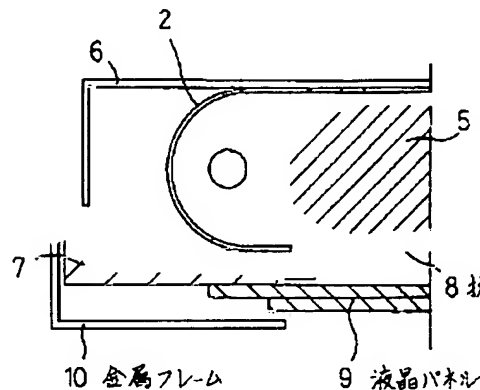
Independent claims 1, 11, and 18 (and dependent claims 2-4, 6, 12, 16, and 19) stand rejected under §102(b) as allegedly being anticipated by Furuwari et al. In particular, the Office continues to assert that Furuwari et al. teaches each and every limitation of the independent claims. Specifically, the Office contends that Furuwari et al. teaches a bottom cover having an end portion that “wraps around” the reflection sheet. Applicant asserts that Furuwari et al. does not.

The Office asserts that Furuwari et al. teaches “a bottom cover (element 6) having an end portion that wraps around the reflection sheet to support the reflection sheet (wherein the bottom cover is formed to overlap two adjacent sides of the reflection sheet, therefore, is considered to be wrapping around the reflection sheet).” (FOA: p. 3, lns. 1-2.) As an initial matter, there is no evidence in Furuwari et al.’s written description that the metallic cover 6 wraps around the reflector 2 as the rejection was based on only an English Abstract of a Japanese publication. Accordingly, the anticipation rejection is based completely on the drawing figures of Furuwari et al.

FIGs. 1 and 2 of Furuwari et al.’s device are replicated below:



The arrow has been added to emphasize the structure of metallic cover 6 in relation to the reflector 2. More specifically, FIG. 1 is replicated below with the extraneous elements redacted from the drawings to better assist in viewing the elements in question. As FIG. 1 and FIG. 2 are identical except for layer 1, only FIG. 1 is represented below for purposes of argument.



As shown, although the metallic cover 6 overlap a portion of reflector 2, Applicant asserts that metallic cover 6 does not “wrap around” reflector 2 as alleged in the Final Office Action.

In the Advisory Action, Merriam-Webster’s Collegiate Dictionary (10th ed.) was cited as defining “wraparound” as “shaped to follow a contour; made to curve from the front around to the side.” It appears from the Advisory Action that the second definition of “wraparound” is being relied upon to suggest that metallic cover 6 wraps around reflector 2. Applicant notes that the definition provided is for an *adjective*. Accordingly, the definition of “wraparound” as asserted by the Office describes only the shape of the object (*i.e.*, the noun) independent of any point of reference. Applicant respectfully asserts that this is not the proper definition of what is claimed.

Independent claims 1, 8, and 18 do not recite a “wraparound” bottom cover as alleged in

the Final (and Advisory) Office Action. Rather, independent claim 1 recites, in part, “a bottom cover having an end portion that *wraps around* the reflection sheet” (emphasis added), independent claim 11 recites, in part, “an end portion of the bottom cover extending to the outer side of the reflection sheet *wraps around* the reflection sheet” (emphasis added), and independent claim 18 recites, in part, “a bottom cover along a rear side of the reflection plate having an end portion that *wraps around* the reflection sheet” (emphasis added). The American Heritage College Dictionary (3d. ed) defines “to wrap (v.)” as “to cover, envelop, or encase, as by folding or coiling something about” and “around (*prep.*)” as “in such a position as to encircle or surround.” As shown above, Furuwari et al. does not teach or even suggest that the metallic cover 6 has an end portion that wraps around the reflection sheet 2.

Additionally, claim 1 recites, in part, “a bottom cover having an end portion that wraps around the reflection sheet *to support the reflection sheet*” (emphasis added). The office has failed to point to any teaching in Furuwari et al. that even remotely suggests that the end portion of the metallic cover 6 supports the reflection sheet 2. In fact, FIGs. 1 and 2 of Furuwari et al. clearly show that the end portion of Furuwari et al.’s metallic cover 6 does not support the reflection sheet 2.

For at least these reasons, Furuwari et al. does not anticipate at least independent claims 1, 11, and 18. Therefore, Applicant asserts that the §102(b) rejection to claims 1-4, 6, 11, 12, 16, 18, and 19 are in error. Moreover, because Furuwari et al. does not teach all the limitations of at least the independent claims 1, 11, and 18, Furuwari et al., Shiotani et al., Nakano, Matsuda et al., and Lee et al., whether taken individually or in combination, fail to render obvious claims 5,

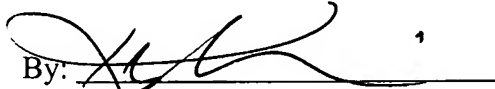
7-10, 13-15, 17, and 20 for at least the reasons stated above. Accordingly, Applicant asserts that the §103(a) rejection to claims 5, 7-10, 13-15, 17, and 20 are also in error.

In view of the foregoing, Applicant(s) respectfully submit(s) that the rejection(s) made in the final Office Action are in error and therefore should be withdrawn. If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: June 13, 2006

By: 
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